

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513**

Mailed: March 18, 2004

Cancellation No. 92027416

AVON PRODUCTS, INC.

v.

HERSHY THE TIN MAN

Peter Cataldo, Interlocutory Attorney

It has come to the Board's attention that on February 27, 2002, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 1,856,533. It is further noted that on November 19, 2002, the Office of the Assistant Commissioner for Trademarks cancelled respondent's Registration No. 1,856,533.

Trademark Rule 2.134(a) provides that if the respondent in a cancellation proceeding applies to cancel its involved registration under Section 7(e) without the written consent of every adverse party to the proceeding, judgment shall be entered against respondent.

In view thereof, and because petitioner's written consent to the voluntary surrender is not of record, judgment is hereby entered against respondent, the petition to cancel is

granted.¹ Registration No. Registration No. 1,856,533 remains cancelled under Section 7(e) of the Act.

***By the Trademark Trial
and Appeal Board***

¹ In view thereof, all outstanding matters herein are moot.